REMARKS

Applicants acknowledge with appreciation the courtesy extended by the Examiner in a telephone interview with Applicants' attorney on May 22, 2008, in connection with the Office Action mailed April 3, 2008.

In the present Office Action mailed, the Examiner has maintained the rejection of Claims 1-18 under 35 U.S.C. § 103 as being unpatentable over Alexander et al. (U.S. Patent No. 6,177931) (hereinafter "Alexander") in view of the W3C, Core Techniques for Web Content Accessibility Guidelines 1.0, and document HTML for Web Content Accessibility Guidelines 1.0 (hereinafter "W3C Guidelines"), both of November 2000.

During the telephone interview, Applicant's Attorney discussed with the Examiner wording within the presently pending claims believed to distinguish the prior art references cited.

In connection with the present Response, the discussion with the Examiner is reiterated in connection with the issues raised in the Final Office Action. No amendment was made or new claims added. No new subject matter has been added in connection with the present response. Claims 1-18 remain pending in the application.

Applicants respectfully request reconsideration of the claims in view of the following remarks.

35 U.S.C. § 103

With respect to the one remaining rejection under 35 U.S.C. § 103, the Examiner has maintained the unpatentability of claims 1-18 over Alexander in view of the W3C Guidelines. In particular, the Examiner has alleged that since Alexander appears to suggest the use of a browser which uses HTML and scripts to navigate pages displaying EPG information using a tabbing mechanism, one of ordinary skill in the art would have been motivated to combine the teachings of Alexander and the W3C Guidelines to obtain the claimed invention with a reasonable expectation of success. Applicants respectfully disagree.

As noted in the previous response, independent claim 1 recites *that navigation over the second display portion* ***replaces*** *previously displayed data fields with a display of current data fields along the Z axis from the second display portion.*

Similarly, independent claim 8, as previously presented, recites *that navigation over the second display view* ***replaces*** *previously displayed data with a display of current data from the second display view along the third navigational axis*, and independent claim 13, as previously presented, recites *that navigation over the second display view* ***replaces*** *previously displayed data with a display of current data from the second display view along the Z axis.*

In other words, as the cursor moves over the second display portion, the data fields represented in the second display portion is displayed along the Z axis, replacing previously displayed data fields, without the need to first press a "select" button. Support for this can be found from page 5 (line 21) to page 6 (line 2) of the present application. The EPG of the present invention, if the Examiner may note, provides a third axis 10 (i.e., in the z direction) to permit movement and selection in three dimensions. As illustrated in Fig. 2, multiple datafields or pages, such as pages 4, 12, and 14 are stacked upon one another and movement between the pages is along the z-axis (page 5, lines 16-20).

Furthermore, as noted starting on page 5 (line 28), "Z axis navigation only requires one key press." As such, movement along the z axis from, for example, page 4 to page 12 or from page 12 to page 14 requires only one key press.

To illustrate, as noted on page 5 (line 24) "movement in the z direction is by movement of a cursor along menu bar 16." The menu bar, as the Examiner may note, is the second display portion (see page 5, lines 22-23). This movement in the z direction (i.e., along the second display portion) changes the view in the first display portion (i.e., the page being shown) (page 6, lines 4-5). Thus, as illustrated in Fig. 3, when one key press is made to move or navigate the cursor from, for instance, the top box, to the middle in menu bar 16 (i.e., along the second display portion), the view is changed from page 4 to page 12 (i.e, along the z-axis) without the need to perform a second key press of, for instance, a "select" key, as required by the prior art.

With reference now to Alexander, in addition to the concession by the Examiner that Alexander cannot move in the z direction, Applicants respectfully note, as discussed during the telephone interview, that the assumption by the Examiner that for Alexander "without a browser, it is difficult to imagine how the user can navigate these EPG Internet sites" cannot be supported by the disclosure of Alexander. This is because Alexander does not teach or suggest the use of a browser to navigate EPG Internet sites.

The Examiner is correct that at col. 8 (lines 36-43), Alexander states that, in one embodiment, "the EPG scheduling data . . . and the software to format, display, and navigate the EPG scheduling data . . . is accessed by the viewer's television system through a direct link between the viewer's television system and the Internet."

However, contrary to the Examiner's understanding that an actual browser is required as means of direct communication with the Internet, nowhere within Alexander is such a browser disclosed or taught.

If the Examiner may note, in col. 8 (lines 52-61), Alexander indicates that "[t]he viewer may also be provided with a selection of multiple EPG Internet web sites. The viewer uses the remote control device to select one of the EPG Internet web sites . . .Once the connection between the viewer's television system and the Internet is made, the user has two-way communication with the on-line Internet service provider of the EPG related information. The user can then navigate through the EPG."

In other words, Alexander teaches that the user can navigate the EPG native to the user's system, **not** the EPG Internet web sites. Specifically, Alexander teaches that the viewer's television system makes a connection to the Internet through one of the links provided to the various EPG Internet web sites. Once the connection is made, EPG information from the Internet service provider gets transmitted to the viewer's television system. Navigation by the user then occurs on the EPG interface provided by the viewer's television system (col. 8, lines 27-31), not on the EPG internet web site. Applicants note that the term "EPG", when stand alone, is referenced throughout Alexander as the Alexander system's EPG interface. Such an interface is capable of navigating the EPG related data on the viewer's television. Nowhere within Alexander is there any reference to allowing the user to browse or navigate the EPG Internet web site.

As the Examiner is well aware, communication with the Internet does not necessarily require the use of a browser. For example, Miscrosoft Outlook ("Outlook") is capable of formatting and displaying data accessed through a direct link between a user's system and the Internet, but Outlook has its own system interface for navigating data downloaded from the Internet. Communication is made by one user to the Internet service provider to allow communication with another Outlook user. Information from the Internet can be downloaded and the user can navigate information within Outlook on the user's system. No browser is needed.

Likewise, massively multi-player online game ("MMOG") platforms also use a direct link to connect with the Internet to download data to the user's system, and which data can subsequently be displayed on a user's system. MMOG platforms do not require a browser to format and display the downloaded game data.

Thus, the fact that "data is accessed by the viewer's television system through a direct link between the viewer's television system and the Internet", as provided by Alexander, does not suggest that a browser is required.

Nevertheless, even if Alexander were modified in the manner taught by the W3C Guidelines, there would not be a reasonable expectation of success, since the combination does not enable movement in the z direction unless Alexander has a browser.

If the Examiner may note, the W3C Guidelines specifically describe techniques for authoring accessible HTML content for web development. The utilization of HTML and scripts, as set forth in the W3C Guidelines, requires the use of a browser as an interface. As noted above, in the previous response, and during the telephone interview, although the EPG in Alexander has the ability to access the Internet for content, the EPG in Alexander et al. does not have the ability or a browser to display HTML or run java script as required in the W3C Guidelines. Moreover, there is neither any teaching nor disclosure within the W3C Guidelines whether an EPG, such as that in Alexander, can be modified to include scripting features and HTML, in the manner taught by the W3C Guidelines.

Since the EPG in Alexander et al. do not have the ability to display HTML or run the java script technology set forth in the W3C Guidelines, the EPG in Alexander would

not be able to permit content or data items of a display portion (i.e., field) to be displayed upon tabbing or navigation of the cursor over the field of interest, in the manner set forth in claims 1, 8 and 13.

Accordingly, Applicants submit that a person of ordinary skill in the art reading Alexander et al. and the W3C Guidelines would not find it obvious to modify Alexander et al. in the manner taught by the W3C Guidelines, so as to modify Alexander et al. to permit the content of the "schedule" window to be displayed when a user tabs the cursor to the "schedule" window, as suggested by the Examiner.

With respect to claims 2-7, 9-12 and 14-18, since claims 2-7 depend from independent claim 1, while claims 9-12 depend from independent claim 8, and claims 14-18 depend from independent claim 13, they must be read to include the limitations set forth in their respective base claim. In particular, each of the dependent claims must be read to include *that navigation over the second display portion replaces previously displayed data fields with a display of current data fields along the Z-axis from the second display portion.*

As noted above, Alexander fails to teach or disclose a browser which is required to modify Alexander in the manner set forth in the W3C guidelines to provide movement in the Z direction.

As such, a person skilled in the reading the W3C Guidelines would not find it obvious to modify Alexander in the manner suggested by the Examiner to obtain the inventions set forth in claims 2-7, 9-12 and 14-18. Accordingly, Applicants submit that these claims cannot be rendered obvious over Alexander in view of the W3C Guidelines.

Conclusion

In view of the foregoing remarks, Applicants submit that the pending claims, as previously presented, are not rendered obvious by Alexander in view of the W3C Guidelines.

Accordingly, Applicants submit that the claims are in condition for allowance. Withdrawal of the pending rejections, and early and favorable reconsideration are respectfully solicited. In the event that a telephone conversation would further prosecute

and/or expedite allowance, the Examiner is invited to contact the undersigned at (617) 310-6000.

Applicants do not believe that any fee or extension is required. However, should any other fee or extension be required, the Examiner is authorized charge Deposit Account No. 50-2678, Reference 065551-011910 to cover any such fee or extension.

Respectfully submitted,

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